

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL NO. 1456
LITIGATION	)	
_____		) CIVIL ACTION: 01-CV-12257-PBS
		)
THIS DOCUMENT RELATES TO:	)	Judge Patti B. Saris
ALL CLASS ACTIONS	)	
_____		)

**PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER RE SUBPOENAS  
ISSUED BY DEY, INC. TO TUFTS ASSOCIATED HEALTH PLANS, INC.  
AND NEIGHBORHOOD HEALTH PLAN, INC.**

Plaintiffs respectfully move the Court for a protective order quashing defendant Dey, Inc.'s subpoenas addressed to absent class members Tufts Associated Health Plans, Inc. and Neighborhood Health Plan, Inc. dated November 9, 2005. This motion is supported by Plaintiffs' Memorandum in Support of Plaintiffs' Motion for a Protective Order filed herewith, and the record and pleadings on file in this proceeding.

Respectfully submitted,

By /s/ David S. Nalven

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Dated: November 23, 2005

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Docket No. MDL 1456

I hereby certify that I conferred by telephone with Philip Robbins, attorney for Dey, Inc., on November 21, 2005, and attempted in good faith to resolve the issues set forth in this motion.

/s/ David S. Nalven

Dated: November 23, 2005

**CERTIFICATE OF SERVICE**

Docket No. MDL 1456

I, David S. Nalven, hereby certify that I am one of plaintiffs' attorneys and that, on November 23, 2005, I caused copies of the Plaintiffs' Motion for a Protective Order Concerning Subpoenas Issued By Dey, Inc. to Tufts Associated Health Plans, Inc. and Neighborhood Health Plan, Inc. to be served via Lexis/Nexis File Serve on all counsel of record.

/s/ David S. Nalven

Dated: November 23, 2005